

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

TODD SEMON, on behalf of himself, and)	
others similarly situated,)	
Plaintiff,)	
)	
v.)	Docket No. 5:10-cv-143
)	
ROCK OF AGES CORPORATION,)	
SWENSON GRANITE COMPANY, LLC,)	
KURT M. SWENSON, JAMES L. FOX,)	
RICHARD C. KIMBALL, DONALD)	
LABONTE, LAURA A. PLUDE, PAMELA G.)	
SHEIFFER, CHARLES M. WAITE, and)	
FREDERICK E. WEBSTER, JR.)	
Defendants)	

MOTION TO DISMISS OF DEFENDANTS
KURT SWENSON, DONALD LABONTE,
RICHARD KIMBALL, AND CHARLES WAITE

Defendants Kurt Swenson, Donald LaBonte, Richard Kimball, and Charles Waite, by their attorneys Downs Rachlin Martin PLLC, hereby move, pursuant to Fed. R. Civ. P. 12(b)(1) and (6) and the Securities Litigation Uniform Standards Act, 15 U.S.C. § 78bb ("SLUSA"), to dismiss the Complaint in the above-captioned matter. As grounds for this Motion, Defendants join in and adopt the Motion to Dismiss and Memorandum of Law filed on June 21, 2010 by Defendants James L. Fox, Pamela G. Sheiffer, and Frederick E. Webster, Jr. (the "Committee Defendants") (Docket Entry 10) and the Motion to Dismiss filed by Defendant Rock of Ages Corporation (Docket Entry 9).

Dated at Burlington, Vermont this 21st day of June, 2010.

KURT SWENSON
DONALD LABONTE
RICHARD KIMBALL
CHARLES WAITE

By: /s/ Walter E. Judge, Jr.
Walter E. Judge, Jr.
Downs Rachlin Martin PLLC
Attorneys for Defendants
199 Main Street, P.O. Box 190
Burlington, VT 05402-0190
Telephone: 802-863-2375

CERTIFICATE OF SERVICE

I hereby certify that on June 21st 2010, I electronically filed a true and correct copy of the foregoing **Motion to Dismiss** via the ECF system which will give electronic notice to the following counsel of record:

James W. Spink, Esq.

Mary N. Peterson, Esq.

Samuel Hoar, Jr., Esq.

Sean M. Gorman, Esq.

And that I have also served the Motion to Dismiss **by mail** on the foregoing and:

Daniel P. Richardson, Esq.
Tarrant, Gilles, Merriman & Richardson
44 East State Street
P. O. Box 1440
Montpelier, VT 05601-1440

James R. Carroll, Esq.
Nicholas I. Leitzes, Esq.
Skadden, Arps, Slate, Meagher & Flom LLP
One Beacon Street
Boston, Massachusetts 02108

Wilbur A. Glahn III, Esq.
McLane, Graf, Raulerson & Middleton, P.A.
900 Elm Street
P.O. Box 326
Manchester, NH 03105

Alan L. Reische, Esq.
Edward A. Haffer, Esq.
Sheehan, Phinney, Bass + Green, P.A.
1000 Elm Street, 17th Floor
Manchester, NH 03101

By: /s/ Walter E. Judge, Jr.
Walter E. Judge, Jr.